

FILED

UNITED STATES of AMERICA 5TH CIRCUIT AUSTIN DIVISION COURT

21 NOV -3 PM 1:53

Julian Reyes

Plaintiff

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

v.

Case no. 1:21CV0992 LY

CITY OF AUSTIN, INC.,
AUSTIN POLICE DEPARTMENT
SERGEANT TROY WISMAR
BADGE # 3968, CORPORAL
CHRISTOPHER CARLISLE
BADGE # 3368, OFFICER
PATRICK WALSH BADGE # 7345,
OFFICER KYU SUK AN BADGE
UNKNOWN, OFFICER SARAH
FOSTER BADGE #UNKNOWN,
GREG MCCORMACK (CITY OF
AUSTIN), and other responsible
"JOHN DOE" parties to be named later
through the proper discovery of evidence,
all individually and all defendants
in their official capacities

Defendants

Civil Rights Complaint

1. Plaintiff: Pro Se, Julian Reyes 10900 Research Blvd suite 160C Box 147
Austin, Texas 78759 mailbox. No home address. Chronically homeless for
about 20 years.

2. Defendants being: City of Austin, Inc, Austin Police Department and the following City of Austin Public Servant Employees: Corporal Christopher Carlisle badge #3368, Corporal Troy Wismar badge #3968, Officer Patrick Walsh badge #7345, Officer Kyu Sue An badge #unknown, Officer Sarah Foster badge #unknown, Greg McCormack City of Austin, and others parties to be named later through the proper discovery of evidence, all individually and all defendants in their official capacities. Address to City of Austin Law Department is at 301 E 2nd Street, Austin, Texas 78701. Austin Police Department is at 715 E. 8th Street, Austin, Texas 78701.

3. This incident and complaint happened in Austin, Travis County, Texas, which this Court has legal jurisdiction over as this Court also resides here. Also as the 5th Federal Court Circuit encompasses all of Texas, Louisiana and Mississippi. These are Constitutional issues, that are novel and important to all Citizens. Therefore I request the Western District Court of the U.S.A. in Austin, to try my Civil Complaint involving 1st, 4th, 14th, 8th Constitutional Amendments violations under section U.S.C. 42 1983 as well as section 1985 Conspiracy of Parties. As multiple agents of Municipal and Corporate government conspired to deprive me of my rights and they were all involved in this crime against myself and essentially the rights afforded to all the Citizens and the Free Press.

4. On or about November 5th 2019, in the City of Austin, Travis County, Texas, U.S.A.. Under this Court's functional jurisdiction, Corporals Carlisle, Wismar, and several officers were joined by the FrontSteps manager, Greg McCormack to conspire together to deprive people of their rights. Several people were in front of the Salvation Army there to protest brutal sweeps and theft by 'The State' to deprive unhoused poor people from their rights to seek emergency shelter, to sleep in a tent they own, to own property and essential survival gear, ids, medications, etc, to sit down, to rest, to survive and their international human rights as well. Also these defendant individuals and their agencies have a pattern and practice of violating poor unhoused people's rights, property rights, 4th amendment rights, many of the City's victims are black, brown or disabled. Many victims of the City of Austin are also veterans. At my arrest Corporal Christopher Carlisle badge #3368 came to my tent where I was inside, filming the police and he said that I was being charged and arrested for my political beliefs and views, basically for protesting, filming and defending the rights of unhoused and marginalized, gentrified poor people living on the streets in Austin. His words thus informing me that I was then an indigent political prisoner in the 5th Circuit in Austin, Travis County, Texas, United States of America. This is what the War on the Poor looks like on the streets of Austin to those of us that are fighting for freedom, safety, housing

and our inalienable rights. To defend the Constitutions and to defend the intent of a government that serves the people.

After Corporal Carlisle told me that I was falsely arrested for the class C misdemeanor of “camping.” I was also filming the police and did not consent to any search or seizure of my property or work product, as I am also a member of the Challenger Street Newspaper, a reporter and videographer for about 10 years now.

On November 18th, 2019 the case was dismissed on it’s merits by the Community Court. On prima fascia evidence that did not support the charge.

Since that time I have been falsely arrested in retaliation for filming the Austin Police department several times, so many times I have lost count. The cases are consistently reviewed by the City’s prosecutors, the County prosecutors and dismissed on their merits as no prima fascia evidence supports the charges. I am innocent of all charges, but the police know you can beat the rap, but you can’t beat the (retaliatory) ride. This practice of false arrests to deprive Citizens of their rights should be stopped immediately. These cases of retaliation show a clear pattern and practice of conspiracy to deprive me of my rights to be in a tent, to film the Austin Police Department at work in public, and to protest the City’s lack of real housing options for the unhoused poor of Austin, who suffer needlessly on the

streets while the City of Austin's general budget is over \$4.2 Billion and the City has vacant lands, thousands of acres, hundreds of buildings, trillions in assets. Yet the City does barely anything to secure permanent, supportive, key-first, safe and decent housing for our unhoused Citizen friends and neighbors on the streets. There is no shortage of budget, no shortage of housing or spaces in buildings in Austin. There is simply hoarding, disinformation, deliberate non-transparency, greed, hatred and denial by the City of Austin and its leadership. Housing is the solution. Simply put. And the only legal means of moving people out of sight for the comfort of wealthier individuals.

I read the Officer's complaint and Corporal Carlisle states on that form that he told me to go to Emma Long Park and McKinney State Park. I do not believe he said that. He said he offered me space in the ARCH homeless shelter. I have never stayed at the ARCH shelter and that suggestion is offensive, the ARCH shelter has a reputation on the streets as being abusive, unclean, unsafe and policed heavily by Austin Police Department. McKinney State Park is secluded, no services or even a convenience store or grocery store. They only allow you to stay a short time, they do not want unhoused people there, they cost money that I do not have. So neither was a helpful, viable, safe, solution. And I have no recollection of him saying those things to me as well. I believe this is a falsehood on a charging document by Corporal Carlisle. I'm not sure why he felt that was appropriate to put on his

complaint. Or why police officers lie on documents and under oath to protect their position when they know they are in the wrong and the charges are retaliatory. I would like Corporal Carlisle to produce video of him saying that to me. As proof. Hopefully soon in discovery of evidence in this case.

I believe that I have filed a complaint with the Police Oversight Office or the Office of Police Monitor. Nothing was done. I have no access to their files, they consider it “APD protected personnel records.” I hope to attain more information from discovery about their failures to hold the police accountable and transparent to the public. As is their charge and oath. I have filed multiple police complaints with the City and the Internal Affairs at APD. Most all the cases were ignored, dismissed, or administratively closed without good cause.

I believe that Officer Patrick Walsh badge #7345 was the officer that falsely arrested me under color of law and violated my rights and freedoms.

Greg McCormack, presently with the City of Austin, but at the time of this incident he was on site talking to police, prior to my false arrest, about how to remove and arrest me to deprive me of my rights. He was working for the ARCH homeless shelter at the time and was involved in clearing out all the people camped outside waiting for housing and some for shelter, under project Guided Path, by the

City of Austin, Inc.. Citizens there were all refused shelter or housing, delayed or told to wait it out. Greg McCormack not only conspired to deprive me of my rights, he also conspired against other unhoused marginalized and poor people on Austin's streets and was in charge of the abusive, unsafe, unclean ARCH shelter as the director of FrontSteps corporation.

5. Julian Reyes, a pro se plaintiff, and am seeking full damages in the amount of \$1,000,000 U.S.A. dollars for all losses, of lost time, stolen freedoms and rights, and for the Constitutional and other violations specified below and in other later amendments to this complaint, as more information becomes available and through discover of evidence to come. And censure, punishments and charges for the responsible parties, including restorative justice to create a safer, more servicing government in Austin. I also seek injunctions to protect Citizens' rights whether unhoused on the streets of Austin or members of the Press to protect us from future targeting, stalking, retaliation, false arrest, deprivation of rights, harassment, and threats by the Austin Police Department, City of Austin, inc., and their agents, acting alone or in groups, most especially those involved in filming police interactions in public or defending their homes from theft under color of law by 'The State.' Reyes is also seeking reformatory justice, remedy, and mediation on the issues of training, injustice, patterns and practice of police abuses that led up

to this egregious incident by Austin Police Department, the City of Austin, et al. and Greg McCormack.

In fact I was just arrested for a class c, fine only, misdemeanor this Sunday October 24th, 2021, for my free speech on a public sidewalk. And this is one of about 10 so arrests by Austin Police agents, acting together, to deprive me of my rights to free speech and free press, transparency of government, accountability of police, and due process rights. My cameras have been seized and the Austin Police Officer, Detective Stitler is still refusing to give me back my primary work equipment and evidence to defend myself in court, even though it has been about 10 days since the unlawful seizure of these items. I cannot do the work of the free press here in Austin without my work tools and work product. The Police know that, I have informed them, they are not budging, they are asserting their right to abuse, retaliate, deprive, and seize my cameras, video and megaphone. There has been a clear pattern of deprivation of rights in a similar manner in all the cases against me for the last 8 or so years.

So as you see the City and it's police are continually keeping me busy in court defending my rights and my person from unlawful and unnecessary retaliatory imprisonment and punishment for clearly and well established constitutional rights. This time and energy keeps me from working on this case

and talking to more lawyers for assistance with this case. I believe that the federal civil courts are the venue for seeking justice and protections of law for all people in this matter. See Glick v Cunliffe and Turner v Driver as well as others to be listed later.

As a matter of fact I currently have 8 or 9 open retaliatory, police abuse, arrests in 2 courts in Austin, some in Travis County Criminal Court 9, Judge Kim Williams is aware of the police retaliation in my cases. As I have informed her several times in court. And I have 2 more false arrest cases for first amendment exercise in the City of Austin Municipal Court system and its subordinate the Downtown Austin Community Court. All are misdemeanor arrests for filming the police depriving poor people of their rights except this Sunday's arrest which was for protesting for homes for the unhoused people of Austin and for corporate funding of housing, gentrification as the cost of rent is way too high in Austin for the common person who lives here without fat stacks of cash to live here anymore. Myself and others became unhoused due to rent, evictions and chronic illness, without a safety net. So I was arrested again Sunday for my free speech and the case is still new and pending. In the current covid state of procedures and backlog in the courts it could be 2 more years of time spent waiting and working these cases. That alone is too much for me. I do have pro bono indigency criminal defense attorneys. But they do not know how to connect me with Civil Rights

attorneys yet, although we have been trying to contact several to date. So the punishment for free speech and filming by the Austin Police Department and their agents is ongoing, constant, formidable and time consuming. A clear pattern and practice of targeting, abuse and deprivations of rights and conserving to do so. That is why I filed this complaint case, as no other means of accountability of justice worked including calling the District Attorney's Office, Civil Rights Division. This court has the responsibility for justice and access to law in this case. And also this Court has the jurisdiction in this case. I am overwhelmed and have fallen ill with pneumonia recently but am healing as best I can.

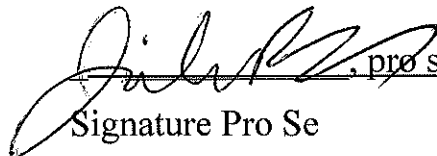
My main constitutional question right now is does the government, including the Justice Department and Courts, serve the People or do we serve you? As in the Police and government has an intense surveillance state whereby thousands or more cameras can film us in public and other spaces, without fear of litigation, retaliation, or false arrest. Yet when I film the Austin police, when there is something questionable under law that they are doing, under color of law, do the Citizens have the right to film the police without fear of retaliation, deprivation of rights, conspiracy of parties, false arrest, abuse, harassment and interference? I think this is a key question that I would like to have answered in this case, by this court. Is transparency and accountability the

law? Or are they just meaningless words in 2021, post George Floyd and Mike Ramos, and so many more victims in the U.S.A..

If a hearing would be necessary, I pray for that opportunity to show and state my case. Also I cannot keep up with this case by myself until I have the help, abilities and access of legal advice or counsel. **Oral Argument Requested.** No rights waived, all rights reserved.

SIGNED this 3rd day of November, 2021.

Respectfully submitted,

 pro se
Signature Pro Se

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